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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,443	03/20/2001	John W. Garrett	2000-0184B	9856

7590 04/07/2005

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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/812,443

Applicant(s)

GARRETT ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/29/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This is in response to the Amendment filed on 9/29/2004. Claims 1-12 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (Hereafter Sitaraman), U.S. pat. No.6,427,174 in view of Wheeler, Jr. et al (hereafter Wheeler), U.S. Pat. No.6,831,914.

As to claim 1, Sitaraman discloses a method of assigning a network address to a network access device (94 fig.3) connected to an access network infrastructure to one of a plurality of available service provider networks (66, 78, 80 of fig.3), comprising:

receiving a request from a subscriber (subscriber/user 90 of fig.3 requesting a connection that is well suited for video data, see col.7 lines 1-37) operating a network access device to subscribe to a service provider network from a plurality of available service networks (i.e., using the pool identifier to reflect the type of network service a contracted for by the subscriber with the subscriber's Internet Service Provider, see abstract, fig.3, col.7 lines 24-49).

allocating a network address from ranges of addresses (using address pools 81 of

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fig.3) allocated to the service provider network (using configuration 80 of fig.3 to allocate addresses from plurality of address pools to subscribers, see col.7 lines 1-23).

assigning the network address to the network access device using a host configuration protocol (assigning network service by a Dynamic Host Configuration Protocol, see col.7 lines 1-12), wherein the network address is utilized by the access network infrastructure to forward packets from the network access device to the service provider network (providing network service according to authorized subscriber's requests, see col.7 lines 39-65 and col.col.9 lines 10-56).

Sitaraman does not specifically disclose storing a database that maintains separate ranges of network addresses for each of a plurality of available service provider networks, the network addresses for allocation to separate subscribers of the available service provider networks. However, Wheeler discloses storing a database (locator database 31 fig.1) that maintains separate ranges of network addresses (ranges of IP addresses in figs. 6, 7) for each of a plurality of available service provider networks, the network addresses for allocation to separate subscribers of the available service provider networks (see col.11 line 25 to col.12 line 67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Wheeler's teachings into the computer system of Sitaraman to select a network interface address because it would have enabled a selection of network interface addresses that map to physical network ports and logical network port in a communication network.

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As to claim 2, Sitaraman discloses that the host configuration protocol is DHCP (Dynamic Host Configuration Protocol, see col.7 lines 1-14).

As to claim 3, Sitaraman discloses authenticating the subscriber before assigning the network address to the network access device (using security server 78 of fig.3 to authenticate user and then returning all configuration information necessary to network access server, see col.7 lines 38-65).

As to claim 4, Sitaraman discloses that the service networks utilize the Internet Protocol and wherein the addresses are Internet Protocol addresses (using TCP/IP based connection and IP attributes, see col.5 lines 20-56 and col.10 lines 5-26).

As to claim 5, Sitaraman discloses that the plurality of service networks are operated by different Internet Service Providers [Internet access at an area serviced by a access point (sometimes referred to as a PoP or "Point of Presence"), provided by the same or different ISP, see col.2 lines 39-67 and col.5 line 32 to col.6 line 51].

As to claim 6, Sitaraman discloses that the plurality of service networks offer access to different Internet Protocol-based services (providing a variety of services such as an ADSL (Asynchronous Digital Subscriber Line, RADSL, VDSL, HDSL, SDSL; Voice Over IP, see col.5 lines 2-31).

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As to claim 7, Sitaraman discloses a method of assigning a network address to a network access device (94 fig.3) connected to an access network infrastructure to a plurality of service networks (66, 78, 80 of fig.3) comprising the steps of:

receiving a request from a subscriber (subscriber/user 90 of fig.3 requesting a connection that is well suited for video data, see col.7 lines 1-37) operating a network access device to select a service provider network from a plurality of available service provider network (i.e., using the pool identifier to reflect the type of network service a contracted for by the subscriber with the subscriber's Internet Service Provider, see abstract, fig.3, col.7 lines 24-49).

allocating a network address from a range of addresses (address pools 81 fig.3) of the service (using configuration 80 of fig.3 to allocate addresses from plurality of address pools to subscribers, see col.7 lines 1-23).

receiving authentication information from the subscriber and transmitting the authentication information to the service network when the service network authenticates the subscriber [using security server (78 of fig.3) to authenticate user and then returning all configuration information necessary to network access server, see col.7 lines 38-65].

assigning the network address to the network access device using a host configuration protocol (assigning network service by a Dynamic Host Configuration Protocol, see col.7 lines 1-12), wherein the network address is utilized by the access network to forward packets from the network access device to the service provider

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network (providing network service according to authorized subscriber's requests, see col.7 lines 39-65 and col.col.9 lines 10-56).

Sitaraman does not specifically disclose storing a database that maintains separate ranges of network addresses for each of a plurality of available service provider networks, the network addresses for allocation to separate subscribers of the available service provider networks. However, Wheeler discloses storing a database (locator database 31 fig.1) that maintains separate ranges of network addresses (ranges of IP addresses in figs. 6, 7) for each of a plurality of available service provider networks, the network addresses for allocation to separate subscribers of the available service provider networks (see col.11 line 25 to col.12 line 67). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Wheeler's teachings into the computer system of Sitaraman to select a network interface address because it would have enabled a selection of network interface addresses that map to physical network ports and logical network port in a communication network.

As to claim 8, Sitaraman discloses that the host configuration protocol is DHCP (Dynamic Host Configuration Protocol, see col.7 lines 1-14).

As to claim 9, Sitaraman discloses that the service network authenticates the subscriber using RADIUS protocol (RADIUS protocol, see col.9 lines 1-28).

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As to claim 10, Sitaraman discloses that the service networks utilize the Internet Protocol and wherein the addresses are Internet Protocol addresses (using TCP/IP based connection and IP attributes, see col.5 lines 20-56 and col.10 lines 5-26).

As to claim 11, Sitaraman discloses that the plurality of service networks are operated by different Internet Service Providers [Internet access at an area serviced by a access point (sometimes referred to as a PoP or "Point of Presence"), provided by the same or different ISP, see col.2 lines 39-67 and col.5 line 32 to col.6 line 51].

As to claim 12, Sitaraman discloses that the plurality of service networks offer access to different Internet Protocol-based services (providing a variety of services such as an ADSL (Asynchronous Digital Subscriber Line, RADSL, VDSL, HDSL, SDSL; Voice Over IP, see col.5 lines 2-31).

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bonomi et al., U.S. pat. No.6,769,127.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

6. Claims 1-12 are rejected.
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

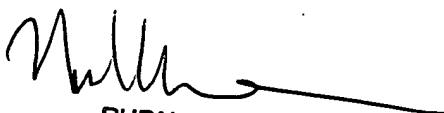
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (703) 272-3939. The fax phone number for this group is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh  
Patent Examiner  
Art Unit 2151  
4/1/2005

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER